

### **REMARKS**

Claims 1, 2, 4, 5, 9, 10, 14, 15, 19, 20, 24, 25, 28 and 29 remain pending in the present application. Claims 1, 9, 14, 15, 19, 24, 25, 28 and 29 are amended.

### **Double Patenting**

The Examiner provisionally rejected the claims on the ground of non-statutory obviousness-type double patenting as being unpatentable over the claims of co-pending Application No. 10/959,186. The Applicants have submitted a terminal disclaimer if necessary to overcome this rejection.

### **Claims 1, 2, 4, 5 and 29 over Sato in view of Borland and further in view of Young**

Claims 1, 2, 4, 5 and 29 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sato, JP027212829A ("Sato"), in view of Borland, U.S. Pat. No. 6,556,965 ("Borland") and further in view of Young, U.S. Pat. No. 5,694,467 ("Young"). The Applicants respectfully traverse the rejections.

Claims 1, 2, 4, 5 and 29, as amended, recite a remote handset of a cordless telephone that has an integrated MPEG audio player that sums a synthesized ring tone with an MPEG audio bit stream and that a user can initiate an action to mute music playing from the MPEG audio when the cordless telephone receives a telephone call.

Sato discloses a digital cordless telephone that can play music even in a place distant from a sound source by transmitting and receiving a digital music signal from digital audio equipment or an ISDN line. Abstract. Borland appears to teach a cordless telephone that uses MP3 coding. See Office Action (pp. 10-11). Young appears to disclose an integrated sound/telephone headset system, where music is played through a separate headset. Although the phone may be operated through the headset, music may not be played from the handset. Sato, Borland and Young, either alone or in

combination, do not teach summing a synthesized ring tone with a digital bit audio stream as recited in Claims 1, 2, 4, 5 and 29.

Therefore, even assuming Sato, Borland and Young are properly combinable, these references, either alone or in combination, fail to teach or disclose summing a synthesized ring tone with a digital bit audio stream and muting the playing of MP3 music by the user initiating an action when the cordless telephone receives a telephone call, as recited by claims 1, 2, 4, 5 and 29.

For these and other reasons, claims 1, 2, 4, 5 and 29 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 9, 10, 19 and 20 over Sato in view of Borland and further in view of Tuoriniemi and Young**

Claims 9, 10, 19 and 20 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sato in view of Borland and further in view of U.S. Patent No. 5,978,689 to Tuoriniemi et al. ("Tuoriniemi") and Young. The Applicants respectfully traverse the rejections.

Claims 9, 10, 19 and 20 recite pre-loading music into memory of a cordless telephone, summing a synthesized ring tone with a digital bit audio stream, and a user's initiating an action to mute the playing of the pre-loaded MP3 music when a cordless telephone receives a telephone call.

As explained above, Sato, Borland and Young, either alone or in combination, do not teach summing a synthesized ring tone with a digital bit audio stream. Tuoriniemi discloses a personal communication and audio set that is able to play a stored digital audio program (See Fig. 1; col. 9, lines 17-20). Tuoriniemi also fails to disclose summing a synthesized ring tone with a digital bit audio stream. Thus, even if one assumes that Sato, Borland, Tuoriniemi and Young are properly combinable, they still fail to disclose or suggest summing a synthesized ring tone with a digital audio bit stream, as also recited by claims 9, 10, 19 and 20.

For these and other reasons, claims 9, 10, 19 and 20 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 14, 15, 24, 25 and 28 over Sato in view of Borland and further in view of Segal**

Claims 14, 15, 24, 25 and 28 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sato in view of Borland and further in view of U.S. Patent No. 6,167,251 to Segal et al. ("Segal"). The Applicants respectfully traverse the rejections.

Claims 14, 15, 24, 25 and 28 recite downloading a digital bit stream music comprised in an MPEG format to a remote handset directly from a remote bit stream audio source accessible by the remote handset and summing a synthesized ring tone with a digital bit audio stream.

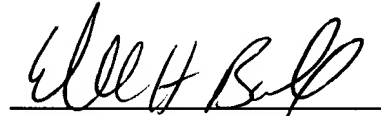
As explained above, Sato and Borland, either alone or in combination, do not teach summing a synthesized ring tone with a digital bit audio stream. Segal appears to disclose a keyless portable cellular phone system having remote voice recognition. Segal also fails to disclose summing a synthesized ring tone with a digital bit audio stream. Thus, even if one assumes that Sato, Borland, and Segal are properly combinable, they still fail to disclose or suggest summing a synthesized ring tone with a digital audio bit stream, as also recited by claims 14, 15, 24, 25 and 28.

For these and other reasons, claims 14, 15, 24, 25 and 28 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'William H. Bollman', written over a horizontal line.

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